

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Telephone Number Portability) **CC Docket No. 95-116**

COMMENTS OF CINCINNATI BELL TELEPHONE COMPANY

Cincinnati Bell Telephone Company (“CBT”), an independent, mid-sized local exchange carrier, submits these comments in response to the Federal Communications Commission’s September 16, 2004 Second Further Notice of Proposed Rulemaking (“NPRM”) in the above-captioned proceeding.¹

I. INTRODUCTION

In response to a request from the Commission, the North American Numbering Council (“NANC”) issued a recommendation for reducing the porting interval for intermodal porting between wireline and wireless carriers.² In this NPRM, the Commission seeks comment on the NANC recommendation and implementation issues related to the proposal.

The NANC’s recommendation consists of two components: a reduction in the confirmation interval and a reduction in the activation interval. According to the NANC, the two components combined will reduce the intermodal porting interval from 96 hours

¹ *Telephone Number Portability*, CC Docket No. 95-116, Second Further Notice of Proposed Rulemaking, FCC 04-217 (rel. September 16, 2004).

² *NANC Report and Recommendation on Intermodal Porting Intervals*, Prepared for the NANC by the Intermodal Porting Interval Issue Management Group (dated May 3, 2004) (NANC Report).

to 53 hours.³ However, as the NANC acknowledges, implementation of its proposal will require that carriers adopt a uniform format for the exchange of information and a single mechanized interface.⁴ It may also require additional staffing resources on behalf of wireline carriers in order to accommodate the early morning activation for wireless ports required under this the proposal.⁵

As explained more fully below, CBT asserts that this proposal will adversely impact small and mid-size carriers by imposing significant implementation costs while providing very little benefit to consumers in markets served by these small and mid-size carriers. As a result, if the Commission ultimately adopts the NANC recommendation, CBT submits that small and mid-size carriers with minimal wireless porting activity should be exempt from the shortened confirmation interval requirement.

II. DISCUSSION

Confirmation Interval

Under the NANC proposal, the confirmation interval would be reduced from 24 hours to five hours through the implementation of a uniform format for the exchange of information and a single mechanized interface. CBT's concern with this proposal lies with the implementation of a mechanized interface for the exchange of the information rather than with the uniform format.

The NANC proposal would require that carriers implement a mechanized interface for the exchange of the wireless porting requests. CBT has previously explored the practicality and feasibility of installing a front-end mechanized Local Service Request ("LSR") system and estimated that such a system would cost over \$500,000. This cost

³ NANC Report at p. 4.

⁴ *Id.* at pp. 16, 28, 30.

⁵ *Id.* at p. 24.

was for a stand-alone system with no back-office integration with CBT's ordering and billing systems. The NANC proposal, however, would necessitate more than installation of a mechanized front-end interface.⁶ In order for wireless port request requests to be prioritized over other LSRs, significant modifications would have to be made to CBT's operating support systems ("OSS").

Today, CBT uses e-mail and fax for exchanging porting requests with both wireline and wireless carriers. CBT's Local Exchange Carrier ("LEC") Center processes all requests on a "first in first out" basis and there is currently no way to distinguish between new wireless and wireline porting requests. This process guarantees that all requests are treated in a uniform, nondiscriminatory manner. Under the NANC proposal, wireless port requests would have to be segregated and given priority treatment over other requests (i.e., a shortened interval). Thus, even if CBT could identify wireless requests when they come in, it would have to rework its service order process in order to ensure that these orders are processed prior to other requests in order to meet the five-hour confirmation interval. These changes would result in significant costs beyond the cost of the front-end interface.

Over the past six months, CBT has processed an average of only 2.6 wireless ports per day. The manual process described above has proven to be a reliable and cost-efficient means of communication for the volume of LSRs that CBT processes. To impose on CBT and its customers the cost of a mechanized system to process fewer than 1,000 wireless port requests per year is not in the public interest.

Based on the level of intermodal porting CBT has experienced in the year since wireless porting began, CBT recommends that the Commission exempt carriers with less

⁶ *Id.* at pp. 23-24.

than two percent of the nation's access lines⁷ from the shortened confirmation interval. Carriers in this category are unlikely to have mechanized systems in place now and probably receive very few wireless porting requests, thus making the costs of the NANC proposal fall disproportionately on the two-percent carriers relative to the number of wireless porting requests processed. Furthermore, exempting carriers with less than two percent of the nation's access lines is more appropriate than exempting only rural carriers or carriers operating outside the top 100 metropolitan statistical areas ("MSAs"). This is true because the two-percent definition is tied to the number of lines the carrier serves (rather than characteristics relative to the area a carrier serves or its geographic location), and the number of access lines a carrier serves relates more closely to amount of porting activity than do the other proposed means of distinguishing the carriers.

If the Commission does not see fit to grant a complete exemption for all two-percent carriers, an alternative would be to exempt these carriers only until they reach a certain level of wireless porting activity that justifies the costs of implementing the mechanized interfaces and modifying OSS. With such an exemption, carriers that have little or no wireless porting activity may never have to implement a mechanized system; two-percent carriers that process more wireless requests, on the other hand, will know the porting activity threshold and can plan for implementation of a mechanized interface if the level of wireless porting activity approaches the threshold. CBT further recommends that the threshold be coupled with a duration trigger so that a short-term spike in activity would not cause a carrier to implement a mechanized interface. Specifically, if the threshold is set at a specific number of wireless porting requests per month, CBT recommends that the trigger for implementation of a mechanized system be that the

⁷ This category of carriers is defined in 47 U.S.C. § 251(f)(2).

monthly threshold is surpassed for six consecutive months. Once the trigger is hit, the carrier should be given at least 12 months to implement a mechanized system. This threshold and trigger combination makes it more likely that the higher level of wireless porting activity will be sustained over the long term, thus making the investment in a mechanized system more rational.

Activation Interval

The NANC proposes that the activation interval be reduced by 24 hours by requiring the old service provider to 1) send the necessary information to the Number Portability Administration Center (“NPAC”) no later than 24 hours prior to the NPAC due date and 2) set the 10-digit trigger on the number in the donor switch no later than 11:59 p.m. on the due date minus 2.⁸ CBT does not anticipate any significant problems in implementing this proposal, but it will entail some OSS development work to provide preferential activation for wireless ports once the orders have been processed.

Cost Recovery

If the Commission mandates that all carriers implement the NANC proposal, it should include provisions to allow incumbent local exchange carriers (“ILECs”) to recover their implementation costs. Without explicit rules regarding ILEC cost recovery, ILECs will be disadvantaged relative to other carriers. As the NANC recognized in its report, the “shorter porting interval was neither a part of the 1997 LNP process flows nor a part of industry design.”⁹ The costs of implementing a mechanized interface and modifying the ordering and provisioning systems to accommodate the shorter wireless

⁸ NANC Report at p. 18.

⁹ *Id.* at p. 24.

porting interval would clearly meet the Commission's "but for" test for permitting cost recovery by ILECs.¹⁰

Specifically, CBT recommends that ILECs be allowed to recover their implementation costs through an explicit number portability charge on end-user bills as was allowed for the initial wireline local number portability ("LNP") costs. Because these costs will not reach the magnitude of the initial LNP implementation costs, CBT submits that a 12-month recovery period should enable carriers to recover their costs in a reasonable timeframe while not unduly burdening end-users.

III. CONCLUSION

The NANC proposal to shorten the wireline-wireless porting interval by 43 hours comes with significant costs, particularly for small and mid-size carriers that do not currently employ mechanized interfaces. If the Commission concludes that the benefits of this proposal outweigh the overall industry costs, it should nonetheless exempt carriers with less than two percent of the nation's access lines from having to install the mechanized interfaces necessary to implement the shortened confirmation interval. In the alternative, the Commission should exempt two-percent carriers from having to install the mechanized interfaces until a pre-determined porting threshold has been met for at least

¹⁰ *Telephone Number Portability Cost Classification Proceeding*, CC Docket No. 95-116, Memorandum Opinion and Order, 13 FCC Rcd 24495, (1998).

six consecutive months. Furthermore, explicit cost recovery rules should be part of any Commission mandate to shorten the porting interval so that ILECs have the ability to recover any implementation costs they incur.

Respectfully submitted,

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